

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL NO. 3:02CR195-1

UNITED STATES OF AMERICA	)	
	)	
	)	
vs.	)	<u>O R D E R</u>
	)	
	)	
JOHN CHARLES BARKLEY	)	
	)	

**THIS MATTER** is before the Court on the Defendant's application for a certificate of appealability pursuant to 28 U.S.C. § 2255.

Because the Defendant has never filed a motion pursuant to § 2255, this application is moot.

**IT IS, THEREFORE, ORDERED** that the Defendant's application for a certificate of appealability is hereby **DENIED**.

**Signed: July 5, 2005**



Lacy H. Thornburg  
United States District Judge

